

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**AMERICAN GENERAL LIFE AND)
ACCIDENT INSURANCE COMPANY,)
vs.)
Plaintiff,)
CHARLES HARPER, MARY ANN)
HARPER, SECURITY NATIONAL)
LIFE INSURANCE COMPANY,)
Defendants.)**

)
CIVIL ACTION NO.
3:05cv708-HTW-JCS

FINAL ORDER

This matter comes before this Court on Plaintiff American General Life & Accident Insurance Company's ("American General") Complaint for Interpleader filed on November 29, 2005. American General is the issuer of Policy Number 196054874 insuring the life of Thelma B. Harper, deceased. The death benefit of \$25,000 under Policy Number 196054874 is at issue in this case.

According to the Complaint, on September 16, 1996, American General Life and Accident Insurance Company issued its Policy Number 196054874 with a face amount of \$25,000 to insure the life of Thelma B. Harper. The original beneficiary of the Policy was Defendant Charles Harper, who is the son of the deceased. On April 25, 2003, American General received a Change of Beneficiary form purporting to change the beneficiary of Policy Number 196054874 to Defendant Mary Ann Harper, the daughter of the deceased.

On September 24, 2004, Thelma B. Harper died. On September 25, 2004, Charles Harper submitted a claim for benefits under Policy Number 196054874. On September 29, 2004, Mary Ann Harper assigned the proceeds of Policy Number 196054874 to Westhaven Memorial Funeral Home, located in Jackson, Mississippi. Westhaven Memorial Funeral Home, in turn, reassigned the benefits to Defendant Security National Life Insurance Company. On February 22, 2005, Mary Ann Harper also submitted a claim for benefits under Policy Number 196054874.

The Court has been informed that the claim of Defendant Charles Harper has been withdrawn and the parties have now reached a resolution of this matter. As such, the Court hereby ORDERS as follows:

1. The proceeds of Policy Number 196054874, plus applicable interest, are to be paid by American General to Defendant Security National Insurance Company;
2. Any claims regarding the benefits payable under Policy Number 196054874 asserted or capable of being asserted by Defendants Charles Harper, Mary Ann Harper and Security National Insurance Company are hereby dismissed with prejudice and Defendants are hereby permanently enjoined from instituting or pursuing any suit or proceedings in any state or federal court for the recovery of the proceeds of Policy Number 196054874 or relating in any way to American General's actions with respect to the handling of this claim; and
3. American General is discharged from all further liability under or relating to the proceeds of Policy Number 196054874, other than as ordered by this Court.

SO ORDERED this the 18th day of January, 2006.

/s/ James C. Sumner

UNITED STATES MAGISTRATE JUDGE